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Attorneys for Plaintiff  
BLUETRITON BRANDS, INC.

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**EASTERN DIVISION – RIVERSIDE**

BLUETRITON BRANDS, INC.,

Plaintiff,

v.

UNITED STATES FOREST SERVICE,  
*et al.*,

Defendants.

Case No. 2:24-cv-09720-JGB-DTB

**JOINT STATUS REPORT**

Judge: Hon. Jesus G. Bernal  
Action Filed: August 6, 2024

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1 Plaintiff BlueTriton Brands, Inc. (BlueTriton), Defendants United States Forest  
2 Service, et al. (USFS), and Plaintiff-Intervenor Yuhaaviatam of San Manuel Nation, a  
3 federally recognized Indian tribe, also federally recognized as the San Manuel Band of  
4 Mission Indians (Nation) submit the following joint status report:

5 BlueTriton filed this lawsuit to seek judicial review of the USFS's denial of  
6 BlueTriton's application for a renewal of a special use permit that grants BlueTriton a  
7 right-of-way for a pipeline and associated infrastructure for the transport of water  
8 from Arrowhead Springs in Strawberry Canyon in the San Bernardino National  
9 Forest. Simultaneous with this lawsuit, BlueTriton moved for a preliminary  
10 injunction seeking to enjoin the USFS's permit denial. Thereafter, the Nation moved  
11 to intervene to protect its interests in the continued delivery of water from Strawberry  
12 Canyon by BlueTriton, and separately moved to enjoin the cessation of water  
13 deliveries to the Nation and the dismantling of BlueTriton's infrastructure. The Court  
14 held a hearing on BlueTriton's motion for preliminary injunction on January 13, 2025.  
15 In a Minute Order the same day, the Court granted BlueTriton's motion for  
16 preliminary injunction and stayed the case "until there is a final judgment on the  
17 merits in [ongoing related proceedings in Fresno Superior Court]." *See* ECF No. 90  
18 (filed Jan. 13, 2025). The Court also granted the Nation's Motion to Intervene, and  
19 denied its separate injunction motion as moot. The Court requested the parties  
20 provide a written status report to the Court every sixty days.

21 On March 12, 2025, the Fresno County Superior Court conducted a hearing in  
22 BlueTriton Brands, Inc. v. Cal. Water Resources Control Board et al., 23CECG04292  
23 (Fresno Super. Ct. Feb. 7, 2024), on (i) BlueTriton's motion for judgment on its first  
24 cause of action, which concerns the State Water Board's permitting jurisdiction over  
25 BlueTriton's water sources, and (ii) the State Water Board's motion for judgment on  
26 BlueTriton's first and second causes of action, which concerns the substantiality of the  
27 evidence supporting the State Water Board's order. On May 5, 2025, the court issued  
28 a written decision granting BlueTriton's motion for judgment, finding the State Water

Board's order exceeded its jurisdiction. A copy of the court's decision is attached here as Attachment 1. This decision addressed one of nine claims originally brought by BlueTriton. The State Water Board has not yet advised whether it intends to appeal the order.

Dated: May 13, 2025

**HUNTON ANDREWS KURTH LLP**

By: /s/ Brandon Marvisi  
Brandon Marvisi  
Attorneys for Plaintiff  
BLUETRITON BRANDS, INC.

Dated: May 13, 2025

**US DEPARTMENT OF JUSTICE**

By: /s/ Andrew A. Smith  
Andrew A. Smith  
Emma L. Hamilton  
Attorneys for Defendants  
UNITED STATES FOREST  
SERVICE, *et al.*

Dated: May 13, 2025

**SOMACH SIMMONS & DUNN, PC**

By: /s/ Michael Daugherty  
Michael Daugherty  
Attorneys for Plaintiff-Intervenor  
YUHA AVIATAM OF SAN  
MANUEL NATION

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**ATTESTATION**

I hereby attest that each of the other signatories concurs in the filing of this document.

Dated: May 13, 2025

By: /s/ Brandon Marvisi  
Brandon Marvisi

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